



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUN 30 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ted Henifin, General Manager
Hampton Roads Sanitation District
1436 Air Rail Avenue
Virginia Beach, Virginia 23455

Re: United States and Commonwealth of Virginia v. Hampton Roads Sanitation District
Civil Action No. 2:09-cv-00481-JBF-TEM

Dear Mr. Henifin:

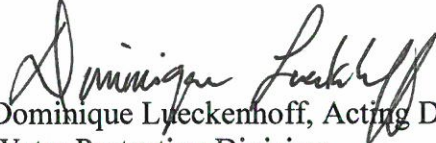
The U.S. Environmental Protection Agency (EPA) spoke with your counsel, AquaLaw, on June 22, 2017 regarding payment of stipulated penalties, pursuant to Paragraph 110 of the Consent Decree, for Sanitary Sewer Discharges (SSDs), as defined in the Consent Decree, and unauthorized discharges from the HRSD sanitary sewer system and sewage treatment plants that occurred from January 1, 2013 through December 31, 2015. As a result of that discussion, EPA and the Hampton Roads Sanitation District (HRSD) have agreed that HRSD shall pay \$92,900 in stipulated penalties for thirty-four (34) SSDs and unauthorized discharges from the HRSD sanitary sewer system and sewage treatment plants that occurred from January 1, 2013 through December 31, 2015.

The thirty-four (34) discharges include two (2) that were less than 100 gallons, sixteen (16) that were between 100 and 2,499 gallons, six (6) that were between 2,500 and 9,999 gallons, six (6) that were between 10,000 and 99,999 gallons, three (3) that were between 100,000 and 999,999 gallons, and one (1) that was 1 million gallons or greater (see Enclosure 1).

The stipulated penalties that apply for these thirty-four (34) discharges are calculated as follows: 2 x \$100, 16 x \$750, 6 x \$1,250, 6 x \$4,700, 3 x \$10,000, and 1 x \$15,000 for a total of \$92,900 (see Enclosure 1). According to Paragraph 123 of the Consent Decree, one half of this amount is to be paid to the U.S. Department of Justice and one half to the Commonwealth of Virginia. Therefore, please pay \$46,450 to the U.S. Department of Justice and \$46,450 to the Commonwealth of Virginia in the manner specified in Paragraph 127 of the Consent Decree.

If you have any technical questions regarding this demand, please contact Mr. Mark Zolandz, Environmental Scientist, at (215) 814-2319. If you have any legal questions, please contact Ms. Deane Bartlett, Senior Assistant Regional Counsel, at (215) 814-2776.

Sincerely,


Dominique Lyeckenhoff, Acting Director
Water Protection Division

Enclosure

cc: Nancy Flickinger, DOJ
Kathleen O'Connell, VA DEQ
Craig Nicol, VA DEQ
Kim Butler, VA DEQ

Enclosure 1

Date	SSORS ID	Location	Receiving Waters	Quantity (gallons)	Penalty Amount
1/16/2013	2013-T-103640	2513 George Washington Memorial Highway Hayes, VA	Heywood Creek-Severn River	281	\$750
2/8/2013	2013-T-103660	Center Avenue Pump Station 315 Center Avenue	James River	19,628	\$4,700
2/21/2013	2013-T-103672	W. Francis Street & S. Nassau Street	Paper Mill Creek	200	\$750
5/8/2013	2013-T-103718	Silver Isles Boulevard	Harris River	5,000	\$1,250
5/17/2013	2013-T-103720	Bloxoms Corner Pump Station 5 Beach Road	Ground/Harris River	188	\$750
6/13/2013	2013-T-103780	Williamsburg Pump Station 540 S. England Street	Paper Mill Creek	37,500	\$4,700
9/4/2013	2013-T-103811	Hampton University Pump Station 54 Shore Road	Hampton River	19,550	\$4,700
12/12/2013	2014-T-103855	Bridge Street Pump Station 4701 Victoria Blvd	Hampton River	824	\$750
1/15/2014	2014-T-103873	619 Harpersville Road	storm drain to James River	100	\$750
2/2/2014	2014-T-103885	Intersection of Swannanoa & Sommerset Drive	Hoffler Creek	4,950	\$1,250
4/1/2014	2014-T-103923	36 Westminster Drive	Newmarket Creek	34,405	\$4,700
4/23/2014	2014-T-103944	Warwick Boulevard/South of Woodhaven Drive	Warwick River	750	\$750
4/30/2014	2014-T-103948	Williamsburg Pump Station 540 S. England Street	ground to Paper Mill Creek	220	\$750
5/16/2014	2014-T-103969	720 Bayshore Lane	Chesapeake Bay	47	\$100
5/16/2014	2014-T-103971	Effingham Street & Firehouse Lane	Elizabeth River	495,000	\$10,000
7/11/2014	2015-T-104010	Park Avenue Pump Station 503 Park Avenue	Scuffeltown Creek	2,500	\$1,250
9/25/2014	2015-T-104115	1828 S. Military Highway	Storm drain ditches	7,500	\$1,250
11/30/2014	2015-T-104153	2110 East Indian River Road	Steamboat Creek	918	\$750
1/20/2015	2015-T-104189	Arlington Avenue & Waltham Street	Elizabeth River	200	\$750
3/31/2015	2015-T-104237	Old Donation Parkway and Great Neck Road	storm drain to Trant Lake	700	\$750
4/5/2015	2015-T-104240	711 Hornsbyville Road	Ground/Wormley Creek	61,000	\$4,700
4/24/2015	2015-T-104259	4700 Portsmouth Boulevard	ditch to Bailey Creek	6,600	\$1,250
6/24/2015	2015-T-104290	Bridge Street Pump Station 4701 Victoria Blvd	Hampton River	134,827	\$10,000
6/27/2015	2015-T-104293	Bay Shore Pump Station 720 Bay Shore Lane, Hampton, VA	Chesapeake Bay	207	\$750
10/9/2015	2016-T-104381	Intersection of Hampton Blvd. and 43rd Street, Norfolk, VA	stormdrain / Elizabeth River	450	\$750
11/16/2015	2016-T-104402	801 S. Battlefield, Chesapeake, VA	Cooper's Ditch watershed	3,200	\$1,250
2/12/2013	NA	Boat Harbor STP	Small Boat Harbor	156,250	\$10,000
5/9/2013	NA	VIP STP	Elizabeth River	80,000 to	
5/17/2014	NA	VIP STP	Elizabeth River	100,000	\$4,700
8/4/2014	NA	VIP STP	Elizabeth River	150	\$750
12/22/2014	NA	Army Base STP	Elizabeth River	1,000	\$750
3/3/2015	NA	York River STP	James River	120	\$750
10/9/2015	NA	VIP STP	Back Creek	700	\$750
			Elizabeth River	2,700,000	\$15,000
11/19/2015	NA	James River STP	storm drain, creek via Outfall number 005	50	\$100
			Total	83,171	\$92,900
			Due EPA		\$46,450

